

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:07CR187-3
	§	
JONATHAN KOLLMAN	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 13, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Tracey Batson.

On September 17, 2008, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 60 months imprisonment followed by a 4-year term of supervised release, for the offense of conspiracy to possess with intent to distribute heroin. Defendant began his term of supervision on January 14, 2011.

On September 8, 2011, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 235). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance. Defendant shall submit to one drug test within 15 days of release from

imprisonment and at least two periodic drug tests thereafter, as directed by the Court; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons; (4) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; and (5) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) and (2) Defendant submitted urine specimens on June 13, 2011, that tested positive for methamphetamine, amphetamine and benzodiazepines; June 15, 2011, methamphetamine; July 12, 2011, methamphetamine; and July 18, 2011, cocaine and methamphetamine; (3) Defendant has failed to maintain stable employment while under supervision. Most recently, he has been unemployed since May 2011, and has failed to secure employment as directed; (4) Defendant has been verbally admonished for his involvement and association with three known felons: Sean Box, Lauren Kent, and Shannon Farley. On April 15, 2011, and July 6, 2011, he verbally admitted that he had contacted Mr. Box via telephone. Defendant associated with Shannon Farley on or about May 6, 2011, as evidenced by an arrest for expired registration. At that time, police officers found a sock with two needles and two spoons under the seat of Defendant's car. He was also in possession of K-2, and Ms. Farley admitted to having injected "bath salts." She was also in possession of

methamphetamine. On July 6, 2011, and July 12, 2011, Defendant admitted he had been associating with Lauren Kent and referred to her as his girlfriend. Defendant associated with Mr. Box and Ms. Kent on more than one occasion after he was instructed to cease all forms of contact; and (5) Defendant failed to report for drug testing with Bob Alterman, as directed on March 14, April 11, May 2, May 18, June 3, June 6, June 10, June 27, July 5, and July 22, 2011. Additionally, he failed to report for a drug test on July 28, 2011.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 13, 2011 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-seven (27) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 24th day of October, 2011.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE